

## PAPERS LAID ON THE TABLE.

Sri B. D. JATTI (Minister for Finance).—I beg to lay the Statement of Supplementary Estimates for 1964-65 (III Instalment) as required under article 205 (1) of the Constitution of India.

Mr. SPEAKER.—The Statement of Supplementary Estimates for 1964-65 (III instalment) is laid.

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## RULING OF THE SPEAKER: *Re* the status of the Parliamentary Secretaries

Mr. SPEAKER.—A point was raised as to how far the Deputy Minister or the Parliamentary Secretary can deal with the work and it was also adverted to in the course of supplementaries in an indirect fashion, asking whether a Parliamentary Secretary has a right to read the answer or not. I do not think it is necessary for anybody to say whether he has a right or not. The second point is how far it is legal to enable a Parliamentary Secretary to function in that manner I had said that I would look into the matter and let the House know it. Because I have promised, I am doing it now. It is not a request which can be thrust upon me and which I should answer. To be of some use to the members, I am trying to explain. After all as I speak there is a certain amount of hesitation because whatever is stated is not felt properly or some remarks are passed after that. I will leave it to the members to study this rather than ask me to state.

2-00 P.M.

Article 163 (Art. 74 in the case of Indian Union) of the Constitution provides that there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions. Art. 164 (Art. 75 in the case of Indian Union) provides that the Chief Minister shall be appointed by the Governor and the other Minister shall be appointed by the Governor on the advice of the Chief Minister.

There is no reference to different categories of Ministers to be included in the Council of Ministers. In 1952, at the Centre there were Ministers, Ministers of Cabinet rank and Deputy Ministers. In 1957 the name "Minister of Cabinet rank" was dispensed with at the Centre and such Ministers were called Ministers of State.

In 1952 by the Salaries and Allowances of Ministers Act (Central Act LV III of 1952) the Deputy Ministers were given legislative recognition. According to S. 2 of the above Act a Minister has been defined as a member of the Council of Ministers by whatever name he is called and includes a Deputy Minister. There is no reference in this Act to the duties to be performed by the Deputy Ministers.

The Council of Ministers or the Cabinet formulates the policy. Only Cabinet Ministers attend the cabinet meeting. Ministers of States have no right to attend the cabinet meetings. But if they are invited, they attend such meetings. A Deputy Minister has no opportunity of coming into contact with the Cabinet. He assists the Cabinet Minister by doing such functions as he may delegate to him.

Besides the above Ministers at the Centre, Parliamentary Secretaries have also been appointed to assist the Ministers in their Parliamentary duties. A separate Act provides for the salary of Parliamentary Secretaries. The Parliamentary Secretaries are not considered as Ministers.

As far as the work in the Lok Sabha is concerned Rule 2 of the Rules of Procedure of the Lok Sabha provides that Minister means a Member of the Council of Ministers; a Minister of State, Deputy Minister or a Parliamentary Secretary. It follows from this that a Deputy Minister or a Parliamentary Secretary can do what a Cabinet Minister can do, *viz.*, answer questions, move motions, etc.

The Ministers' Salaries and Allowances Act 1956, Mysore Act 5 of 1957 does not contain a definition of the Minister as in the Central Act so as to include a Deputy Minister in the Council of Ministers. The Mysore Parliamentary Secretaries Allowances Act 1965 does not specify the duties to be performed by the Parliamentary Secretaries. The Mysore Acts do not specify the duties to be performed by the Deputy Ministers or the Parliamentary Secretaries. We may therefore rely on the view that has been generally accepted, *viz.*, that a Deputy Minister does such functions as are delegated to him by the Minister and the Parliamentary Secretary assists the Minister in his Parliamentary duties.

According to Rule 2 of the Mysore Assembly Rules, Minister means a Member of the Council of Ministers and includes a Deputy Minister and a Parliamentary Secretary can therefore perform such functions as may be performed by a Minister. A Minister answers questions, moves motions, etc. A Deputy Minister and a Parliamentary Secretary can answer questions and move motions, etc., in the same way as a Minister.

If the point of Sri Muckannappa is that a Deputy Minister or a Parliamentary Secretary is not allowed to do certain other things outside the House. it is not a matter to be dealt with by the Speaker. The only way for Sri Muckannappa is to raise the matter when the Demend relating to the Ministers' Salaries is taken up.

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#### BUDGET ETIMATES FOR 1965—66—DEMAND FOR GRANTS. DEMAND No. 37—PUBLIC WORKS.

MR. SPEAKER.—We will resume the Debate. I call upon Sri M.C. Basappa to speak.